

July 14 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

CASE NO. DA 10-0094

IN RE THE PARENTING OF

A.L.S.,

A Minor Child,

TOBIN NOVASIO,

- Petitioner and Appellee,

and

TARA SYLVESTER,

- Respondent and Appellant.

FILED

JUL 14 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

UNOPPOSED RULE 26 MOTION FOR EXTENSION OF TIME

On Appeal from the Montana Thirteenth Judicial District Court
Yellowstone County, Honorable G. Todd Baugh

APPEARANCES:

Patrick C. Sweeney
Patrick C. Sweeney, P.C.
2817 2nd Ave North, Suite 200
Billings MT 59101
(406) 245-2439
Attorney for AppelleeLinda L. Harris
Harris Law Firm, P.C.
2722 Third Avenue North, Suite 250
Billings MT 59101-1996
(406) 259-4402
Attorney for Appellant

Comes now, Tara Sylvester, by and through her attorney, Linda L. Harris, and respectfully moves the Court for an Order Granting Extension of Time for Appeal Brief, pursuant to the provisions of Rule 26, M.R.App.P., thereby extending the time for filing Appellant's opening brief by 30 days to August 16, 2010.

Appellant's opening brief in this matter is due July 16, 2010.

Opposing counsel has been contacted regarding this motion and does not object.

DATED this 13th day of July, 2010.

HARRIS LAW FIRM, P.C.

By 

LINDA L. HARRIS
Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was duly served by mail upon all opposing attorneys of record at their address or addresses this 13th day of July, 2010 as follows:

PATRICK C. SWEENEY, P.C.
PATRICK C. SWEENEY
ATTORNEY AT LAW
2817 2ND AVE NORTH - SUITE 200
BILLINGS MT 59101
Attorney for Appellee

HARRIS LAW FIRM, P.C.

By 

LINDA L. HARRIS

IN THE SUPREME COURT OF THE STATE OF MONTANA
CASE NO. DA 10-0094

IN RE THE PARENTING OF
A.L.S.,
A Minor Child,
TOBIN NOVASIO,
- Petitioner and Appellee,
and
TARA SYLVESTER,
- Respondent and Appellant.

FILED

JUL 14 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

AFFIDAVIT IN SUPPORT OF UNOPPOSED RULE 26 MOTION FOR EXTENSION OF TIME

On Appeal from the Montana Thirteenth Judicial District Court
Yellowstone County, Honorable G. Todd Baugh

APPEARANCES:

Patrick C. Sweeney
Patrick C. Sweeney, P.C.
2817 2nd Ave North, Suite 200
Billings MT 59101
(406) 245-2439
Attorney for Appellee

Linda L. Harris
Harris Law Firm, P.C.
2722 Third Avenue North, Suite 250
Billings MT 59101-1996
(406) 259-4402
Attorney for Appellant

STATE OF MONTANA)
: ss.
County of Yellowstone)

Linda L. Harris, being first duly sworn, upon oath, deposes and says:

1. That she is the attorney for Appellant.
2. That she has caused to be filed herein on behalf of Appellant an Unopposed Rule 26 Motion for Extension of Time.

1 Affiant submits the following information:

- 2 a. Appellant's brief is due July 16, 2010. It was originally due June 16, 2010.
- 3 b. An extension is requested for 30 days.
- 4 c. An extension is necessary for Affiant to complete Appellant's brief in this matter.
- 5 d. Affiant submits that she has exercised diligence in this action and gathered
- 6 information supporting Appellee's position in this matter. Appellant's brief will be
- 7 filed and served on or before August 16, 2010.

8 Affiant suffered a fractured vertebrae on June 18, 2010, and, as a result, has

9 been unable to complete Appellant's brief in this action.

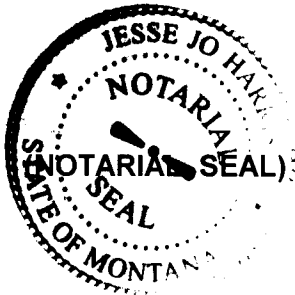
- 10 f. Affiant contacted Appellee's counsel on July 12, 2010 and was advised that
- 11 Appellee's counsel does not object to the extension of time requested by Affiant.

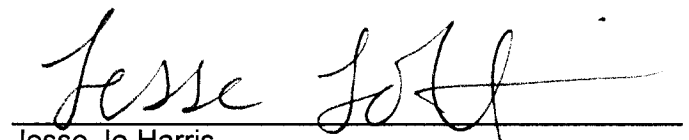
12 **DATED** this 13th day of July, 2010.

13 

14 Linda L. Harris
15 Attorney for Appellant

16 **SUBSCRIBED AND SWORN** to before me this 13th day of July, 2010.



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28 Jesse Jo Harris
Notary Public for the State of Montana.
Residing at Billings, Montana.
My Commission Expires: March 17, 2014

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was duly served by mail upon all opposing attorneys of record at their address or addresses this 13th day of July, 2010 as follows:

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PATRICK C. SWEENEY
ATTORNEY AT LAW
2817 2ND AVE NORTH - SUITE 200
BILLINGS MT 59101
Attorney for Appellee

HARRIS LAW FIRM, P.C.

By

LINDA L. HARRIS